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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 BREANDA ANN WING,

10 Petitioner,

11 v.

12 JO WOFFORD,

13 Respondent.

CASE NO. 3:18-cv-05235-RBL-TLF

ORDER TO UPDATE STATUS

14 Petitioner Brenda Ann Wing has filed a petition for writ of *habeas corpus*. Dkt. 1.
15 Petitioner seeks an evidentiary hearing and specific performance of the plea agreement that led to
16 her judgment and sentence in Lewis County Superior Court. *Id.*; Dkt. 10, State Court Record,
17 Exhibit 1.

18 On July 18, 2018, this Court entered an order granting petitioner's second motion for an
19 extension, permitting her to file a reply brief by August 31, 2018. Dkt. 16. On August 1, 2018,
20 mail addressed to petitioner at Washington Corrections Center for Women (WCCW) was
21 returned, with a public disclosure coordinator informing the Court that petitioner "is not at
22 WCCW and at Yakima County Jail." Dkt. 17. Neither petitioner nor the State have since updated
23 the Court on petitioner's address.

1 The habeas corpus petition became ripe for review on September 7, 2018.

2 Petitioner's state-court proceedings appear to be ongoing, however. On direct appeal, the
3 Washington Court of Appeals, Division II, reversed petitioner's conviction, holding that her
4 offender score was improperly calculated. Exhibit 3. Because this rendered her guilty plea
5 involuntary, the Court of Appeals remanded to the trial court to allow petitioner to withdraw her
6 plea. Exhibit 3; *see* Exhibit 11 (Court of Appeals denial of petitioner's motion to reconsider that
7 court's decision not to reach remaining issues), Exhibit 13 (Supreme Court of Washington denial
8 of petitioner's motion for discretionary review). The State contends that that this habeas corpus
9 petition may be subject to dismissal for mootness and for lack of subject matter jurisdiction if
10 petitioner chooses to withdraw her guilty plea. Dkt. 8, pp. 13-14.

11 The Court lacks information necessary to determine whether a decision on this petition
12 would be unnecessary, and therefore purely advisory, and whether this Court has subject matter
13 jurisdiction over the matter. It is unclear whether the petitioner received the Court's most recent
14 order. *See* Dkt. 17. Accordingly, the State is directed to update the Court on or before **October**
15 **26, 2018**, regarding (1) the status of petitioner's state-court proceedings, and (2) petitioner's
16 current address, if known.

17 The Clerk is directed to send a copy of this Order to petitioner at her last known address.

18 Dated this 10th day of October, 2018.

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22 Theresa L. Fricke
23 United States Magistrate Judge